

# **SUMMARY NOTES**

## **CITY COUNCIL SIGN ORDINANCE TASK FORCE**

**April 24, 2013 – 4:00 PM**  
**KCDC, 901 N. Broadway**

### **Call to Order**

Chairman Duane Grieve called to order the April 24, 2013 meeting of the City Council Sign Ordinance Task Force at 4:00 p.m. in the Board Room at KCDC, 901 N. Broadway.

### **Roll Call**

#### **Members present:**

Joyce Feld  
Duane Grieve, Chair  
Don Parnell  
Gary Hayes  
Melissa McAdams  
Jim Nixon  
George Wallace, Vice-Chair  
Bill Weigel

#### **Members absent:**

None.

#### **Staff Members present:**

Mark Donaldson, MPC  
Anne Wallace, Redevelopment Office  
Cindy Mitchell, City Council Office  
Angela Rauber, Law Department

#### **Staff members absent:**

Anita Cash, Retired from City of Knoxville

### **Acceptance of Summary Notes**

Motion: Bill Weigel moved to accept the Summary Notes from April 17, 2013.  
Second: Don Parnell and Joyce Feld.  
Vote: Unanimous "Aye"  
Disposition: Summary Notes accepted.

### **Opening Comments**

Chairman Grieve made the following points:

- The draft ordinance will be placed on the city's website for the public to access.
- May 1, 2013 will be the Public Hearing on the proposed new sign ordinance in the Mary Starr Auditorium at the John T. O'Connor Senior Center, 611 Winona.
- Thank you to all members of the Sign Task Force for all of your hard work and diligent service.

- Thank you to all citizens who sent in written comments during this process.
- After the May 1 Public Hearing, Chairman Grieve would like for the Task Force to meet again to discuss the public input before sending ordinance to MPC and City Council.
- Angela Rauber will continue to look at ordinance for legal issues.

### **Information and Discussion**

Mark Donaldson guided the Task Force members through various portions of the new proposed draft ordinance. See handout from Brentwood Sign Code and Memphis Sign Code that was part of his discussion.

Task Force members Gary Hayes, Joyce Feld, Don Parnell and Duane Grieve discussed the written comments they had submitted to the Sign Task Force (See attached).

Task Force member Bill Weigel discussed areas of concern he has with the proposed ordinance and the reduction in sign heights.

### **Next Steps**

May 1, 2013 – Public Hearing: Mary Starr Auditorium at the John T. O'Connor Senior Center.

Written public comments concerning the new proposed sign ordinance should be forwarded to Cindy Mitchell at [cmitchell@cityofknoxville.org](mailto:cmitchell@cityofknoxville.org) to distribute to the Task Force members.

### **Adjournment**

The meeting adjourned at 5:50 p.m.

## Brentwood Sign Code

### Lighting Standards

#### Section 78-418 – General Provisions

- .
- .
- c. Design, construction and maintenance.
- .
- .

(4) Sign Illumination. Sign illumination shall only be achieved through the following standards:

- a. A white, steady, stationary (external) light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.
- b. Internal illumination shall provide steady, stationary lighting through translucent materials.
- c. If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.
- d. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.

## Memphis Sign Code

### Lighting Standards

#### 4.10.6 General Standards

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##### D. Illuminated Signs

1. Externally illuminated signs shall be shaded wherever necessary to avoid casting a direct beam of light upon property located in any residential district and the residential portion of any approved planned development.
2. No sign legible from any public right-of-way shall utilize:
  - a. Any exposed incandescent lamp with a wattage of more than sixty (60) watts unless a dimmer or sun screen is attached;
  - b. Any revolving beacon light; or
  - c. A luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face.
3. Signs in the Open Districts, Residential Districts, Residential Work (RW) and Office General (OG) districts may be (externally or internally) illuminated but not flash, revolve, oscillate, be animated or create an illusion of continuous movement.
4. Flashing and movement on signs in all other districts is subject to sub-section \_\_\_\_.

April 22, 2013

Gary Hayes, STF, Points of Concern Proposed Draft

#### D. Prohibited Signs

7. Delivery Trucks and company vehicles are required to have marking. Code enforcement will have to make a decision who is violating.

#### G. Criteria For Measurements

- 2-b How about fill property on low side of road.
4. Change to allow 10% max on any building elevation.

#### H. General Sign Standards

- 4-a (Address lighting that is not a sign). has never been listed as a sign in the past and should not be.
- 4-c-2 Opaque background will make all signs background be black at night.
- 4-e-2 No problem with bare bulbs. LED, Neon, Incandescent, florescent illumination.

Table L 5.1 Size okay but monument should not be listed with change of no bottom clearance and additional set back monument and ground are same thing.

Table L 6.1 Problem with height (too short), square footage (too small) and language non-difference in monument and all other detached signs.



## Summary Notes: April 10, 2013 Meeting

- Generally agree with proposed format
- Generally agree with definitions included, though some bear further discussion, explanation
- Agree with proposed prohibition of portable signs
- Distance from interstate for height exception:
  - Topography, lot configuration, overall site planning may preclude the ability to include a sign within the proposed 100 feet from Interstate R-O-W
  - A distance of 250 +/- feet would provide some greater flexibility dependent upon site conditions, building location, visibility from interstate, etc.
- Illumination standards – would like to better understand the source and rationale for the proposed standards, as well as the impact on legibility, probable cost of compliance, perceived value to the community

- Some further discussion on the expansion of signs permitted in all zoning districts, and the rationale for that approach
- Some further discussion on the proposed concept for signs in office zoning districts would be helpful for clarification, including the rationale for the proposed 5 percent of primary building elevation
- Review proposals for commercial and industrial districts
- Generally favorable toward the idea of Sign Master Plans for projects that meet certain criteria, including an incentive provision
- Discuss further the issue of the point of reference for measurement from scenic highways and parkways
- Generally favorable toward the idea of identifying and providing notice in the case of “abandoned” signs, though the 60 day time period seems short, given time typically required to refurbish an existing building, and to market and lease the space / spaces that have been vacated

- Purpose and Intent Section appears to be somewhat excessive; suggest primary focus on:
  - a. Serve as the basis for consistency and objectivity in the application and administration of the regulation of signs within the corporate limits of the City;
  - b. Protect the health, safety and welfare of the citizens of the City;
  - c. Facilitate communication and wayfinding for those traveling throughout the City in search of specific destinations, goods, or services;
  - d. Provide for an objective review procedure based upon clearly stated and rational standards for display of information using signs;
  - e. Enable objective and consistent enforcement of the regulations, consistent with applicable local, state and federal law

[The references to compatibility, appropriateness, and expressiveness of individual activities seem to be somewhat difficult to define on behalf of the entire community – but may be subject to further discussion]

#### Definitions:

- Abandoned signs [see above]: Suggest somewhere in the range of 120-180 days as the time period for declaring a sign to be abandoned



- Historic Sign / Landmark Sign – who is given the authority to make the declaration in these cases?
- Window Sign – “...may not obscure the view of the interior...” – explanation / interpretation needed here
- Under “Prohibited Signs” – how is “apparent purpose” discerned
- Can Logo signs on the Interstate, within the corporate limits, be reinstituted? Should they be? Why or why not?
- Explain rationale of limit on umbrella and window signs
- Discuss issue of measurement of sign height above roadway surface
- Minimum clearance for projecting signs: explain rationale for different standards within the TND-1, H-1 (and, presumably, C-7 district), if basic purpose is protection of health, safety and welfare
- Illumination Standards – what is basis for proposed standards?

- EMC regulations – what is the rationale for approving EMC's within H-1, D-1 districts, but not in other districts (e.g., C-7)?
- Sign Master Plans
  - Suggest that MPC, *in cooperation with and agreement by the owner / developer*, shall determine the boundaries of the unified development (Section h)
  - Suggest that Administrative Changes proceed as recommended, with the provision that “all administrative changes made in Sign Master Plans shall be identified and described in a report to be made by the Staff to the Planning Commission at the next Public Meeting following consideration and approval by the Staff”
- Signs Permitted in All Zone Districts: Review rationale for maximum sign heights – particularly for public recreation uses, community facilities, hospitals, clinics – these are, by definition, all places where the public congregates on a regular basis, and some are places where emergency shelter, significant public events, may occasionally / regularly occur, and may, therefore, require some greater communication capability through

somewhat larger sign display – *subject for committee discussion*

- Office Zone Districts
  - Types of signs and dimensions allowed: discuss rationale for recommendation of 5 percent of primary building elevation  
What is the effect of 6 foot signs versus 10 foot signs, maximum sign area of 36 SF, and setback recommended in the ability of the traveling public to discern the information displayed on the sign(s)?
- Commercial and Industrial Districts
  - Arrive at rationale for proposed sign height for primary detached signs within defined areas (either based upon functional classification of streets, zoning district, proximity to interstate highway, etc.)
  - Should there be a provision that allows a specifically defined geographic area (e.g., Bearden Commercial District) to establish a status similar to a planned



district, [perhaps a Sign Overlay District) by meeting certain criteria related to functional / operational and aesthetic criteria, with a unified Sign Master Plan for the defined area?

- Administration and Enforcement
  - It is recommended that we take a strong position on the need for enforcement of the existing regulations, and / or any proposed / adopted changes in the existing regulations.

If no commitment can be made for an adequate level of enforcement, then it may be prudent to hold on changes in regulations until such time as the budget can accommodate the required level of administration and enforcement.

- Finally – whatever changes may be made, I would recommend that a period of time be noted during which existing regulations would continue to be in place, recognizing the need for those who are in the midst of planning and / or constructing a development project, to complete said project under the regulations which were



in place during the inception of that project – as an example, if City Council were to adopt new sign regulations, it may be appropriate for the effective date to be twelve (12) months following the adoption date, so there is adequate time for projects to be completed, or to have adequate notice and lead time to make changes that may be required under a new set of regulations.

Cindy Mitchell

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From: joyce feld <jlfeld@gmail.com>  
Sent: Tuesday, April 23, 2013 9:17 PM  
To: Cindy Mitchell  
Subject: Ordinance Draft

Cindy,

As requested, here's my feedback on the draft ordinance.

Joyce

1. p. 7 #25 **Window Signs** - They should not be allowed to cover more than **10-15%** of the total window surface on the **front facade**. These window signs contribute greatly to the "junkiness" of the storefront and significantly increase sign clutter.

They should not be allowed to be painted on the interior or exterior of the window.

Illuminated '**OPEN**' signs attached to the interior should be limited to **one** and should be specifically prohibited from blinking or flashing.

No other digital or illuminated signs attached to the interior or exterior of the window should be permitted.

Any temporary window sign (including painted or illuminated signs) in existence at the time the ordinance is passed should not be grandfathered.

2. **Flag Streamers (?)** Long streamers of flags such as those often used at car dealerships or gas stations should not be allowed, even if there is no writing or logo on the flags. They also contribute to a junky appearance. Not sure where in the ordinance this should go.

This should also cover inflated figures - especially those with waving parts.

3. p. 8 #2 Real Estate Availability - 32 sq ft is too large and a height of 10 ft for ground signs is too tall.

4. p. 8 # 9 **Umbrella Signs** There should be **no** signs on umbrellas, or not more than 10% of the surface area. At the least, any sign should be related to the nature of the business on which the umbrella is located.

p. 10 #4 I agree with this section as written: "Illuminated tubing....."

p. 11 **Portable Signs** should be prohibited

p. 20 6 a. (2) **Attached Signs.** I believe the historical data that we reviewed indicates that over the last 5 years the majority of businesses requested an attached sign that was equal to 5-7% (I can't recall the exact figures) of the primary building elevation. Given this data, I suggest allowing an attached sign equal to no more than 7% of the elevation **up to a maximum size.**

I think we also need an operational definition for calculating the area of the primary elevation. I've been told that in locations where a similar formula has been used to calculate signage, buildings have been designed such that the facade has been extended above the roof line in order to gain a larger sign.

p. 21 **Table L.6.1** Scenic Knoxville supports one of the following 2 tables regarding maximum sign height.

Table 1:

Maximum Sign Heights for Monument and Ground Signs

District	Monument Sign	Ground or Pole Sign
	Maximum Height	Maximum Height
Within 500 ft of Interstate Interchange	10 ft	25 ft
Adjacent to an Interstate	10 ft	20 ft
Adjacent to a Federal Highway	8 ft	15 ft
All Other Roadways	6 ft	10 ft

Table 2:

Maximum Sign Heights for Monument and Ground Signs



District	Monument Sign	Ground or Pole Sign
	Maximum Height	Maximum Height
Within 500 ft of Interstate Interchange	10 ft	25 ft
Adjacent to an Interstate	10 ft	20 ft
Adjacent to a Federal Highway	10 ft	Not allowed
All Other Roadways	6 ft	Not allowed

Scenic Knoxville also supports the smallest number listed for maximum sign area.

p. 8 #7 **Temporary Farmers Market Signs** should be allowed to be posted up to 3 hours prior to the opening of the market and removed at the close of the market.

p. 7 #17 There should be restrictions on advertising signs and scoreboards that are oriented toward or visible from the ROW

Angela, I have a question about moving people signs that I hope you can help me with. I think you said these can't be regulated because this is a freedom of speech issue. However, signage can also be construed as a freedom of speech issue, but courts have ruled they can be regulated for aesthetic and safety reasons as long as content isn't regulated. Why can't the same argument be applied to moving people signs?



Here is the verified height of some signs in the Cedar Springs area (I have documentation for those with permit numbers):

GRIEVE

POLE SIGN?	Property name for sign ID purpose	Address	Height	Permit #	Date of Permit	Jurisdiction granting permit
	1. Franklin Square at Franklin Blvd	9724 Kingston Pike	17' 6"	00396	01/20/1989	County
YES	2. Exxon Gas Station	9200 Kingston Pike	18' 3"	8624	09/02/1994	City
	3. Cedar Spring Presbyterian Church	9132 Kingston Pike	19' 10"	8660	10/06/1994	City
	a. Cedar Spring Presbyterian Church	9132 Kingston Pike	11 feet	S10-0049	05/04/2010	City
	4. Cedar Springs Shopping Center	9202-9224 Kingston Pike	40" 6"	2541	08/21/1998	County
YES	5. Harpers Acura	9739 Kingston Pike	20 feet	2767	05/25/2000	City
YES	6. Harpers Porche/Audi/Jaguar	9735 Kingston Pike	25 feet	2843	01/12/2001	County
YES	7. Harpers Infinity	9751 Kingston Pike	24 feet	1243	08/28/1991	County
	8. Ed Financial	104 N. Seven Oaks Dr.	37 feet	S05-0468	08/09/2005	City
	9. Windsor Square Shopping Center	105 N. Seven Oaks Dr.	34' 3"	S08-0185	05/20/2008	City
	a. McDonalds	9501 Kingston Pike	12 feet	6443	05/25/1980	City
	a. Fazolli's	Windsor Square Center	10 feet (est.)		?	Located in city
	b. Perkins	Windsor Square Center	12 feet (est.)		?	Located in city
	10. Market Place Shopping Center (Home Depot entrance)	Marketplace Blvd. and Seven Oaks Dr.	25 feet	809-0418	11/03/2009	City
	a. Bank of America	Market Place Center	7 feet	6412	04/27/1989	City
	c. Captain D's	Market Place Center	8 feet (est.)		?	Located in city
	11. Sherrill Hill Shopping Center	Moss Grove Blvd.	30 feet		2011	City
	a. GFS	Sherrill Hill	12 feet		2011	City
	b. Aldi	Sherrill Hill	10 feet		2011	City
	12. The Landing at Cedar Bluff (Kroger shopping center)	Kingston Pike and Cedar Bluff	30 feet		2011	City
	a. Chuy's Restaurant	Landing at Cedar Bluff	10 feet		2012	City
	b. Y12 Credit Union	Landing at Cedar Bluff	15 feet		2012	City



### Non-conforming signs (No permit exists either in the county or city records)

POLE SIGN?	Property name for sign ID purpose	Address	Height	Permit #	Date of Permit	Jurisdiction granting permit
	1. Market Place Shopping Center entrance across from Sherrill Hill	Kingston Pike and Marketplace Blvd.	40 feet (est.)	---		Located in city
	2. Franklin Square Bell Tower	9700 Kingston Pike	30 feet (est.)	---		Located in county
	3. Franklin Square Marquee	9700 Kingston Pike	35 feet (est.)	---		Located in county

### Signs I have photographed and estimated height for—don't know if they have permits or not

POLE SIGN?	Property name for sign ID purpose	Address	Height	Permit #	Date of Permit	Jurisdiction granting permit
YES	1. Town and County Shopping Center (Lowes)	Kingston Pike and N. Peters Rd.	50 feet (est.)	---	None on file	Located in city
	2. Kingston Overlook	Kingston Pike across from Mayos/next to Franklin Square	15 feet (est.)		?	Located in city
	a. Chic fil A	Kingston Overlook	6 feet (est.)		?	Located in city
	b. Armed Forced Recruiting Center	Kingston Overlook	6 feet (est.)		?	Located in city
YES	3. Bassett	9533 Kingston Pike	20 feet (est.)			Located in city
	4. Pemberton (Pennington?) Offices	9539 Kingston Pike	15 feet (est.)			Located in city
YES	5. Weigels	9541 Kingston Pike	25 feet (est.)			Located in city
YES	6. Lazy Boy	9605 Kingston Pike	15 feet (est.)			Located in city
YES	7. 1 <sup>st</sup> Tennessee Bank		20 feet (est.)			Located in city
NA/Iconic	8. Mayo's		20 feet (est.)			Located in city
YES	9. Haverly's		25 feet (est.)			Located in city
YES	10. Hibachi Place (was Ryans)		25 feet (est.)			Located in city
YES	11. Jefferson Plaza		30 feet (est.)			Located in county
YES	12. Old Ben Franklin		30 feet (est.)			Located in county